

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GREAT AMERICAN INSURANCE)
COMPANY OF NEW YORK,)
Plaintiff,)
v.) Civil Action No.: 04-11968-MEL
KELLAWAY WAREHOUSE SERVICES,)
MANCHESTER MOTOR FREIGHT,)
CONSOLIDATED RAIL CORP., and)
ROUND THE WORLD LOGISTICS,)
Defendants.)

PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AS TO DEFENDANT,
KELLAWAY WAREHOUSE SERVICES

NOW COMES the Plaintiff, Great American Insurance Company of New York, by and through its undersigned attorneys, HOLBROOK & MURPHY, and moves that this Honorable Court enter a default judgment pursuant to Rule 55(b)(1) against the Defendant Kellaway Warehouse Services.

As reason therefor, Plaintiff states that notice of default was issued on May 2, 2005. Despite the notice of default having been sent by the Court to Kellaway Warehouse Services, there has been no request for relief sought by anyone on behalf of Kellaway. Accordingly, default judgment in the amount of \$8,394.92, should enter against Kellaway together with interest and costs. The principal amount of the judgment, \$8,394.92 is the amount that was paid by the plaintiff to its insured for the damage to its cargo.

Pursuant to the Standing Order, paragraph four (4), the Plaintiff has not taken action before this date because there are other Defendants in the case and there was a hope that there could be some resolution by way of settlement. However, that effort has been unsuccessful and it

is apparent that for the Plaintiff to be compensated, funds must be provided by the most culpable of the Defendants, Kellaway Warehouse Services.

Further reference is made to the Affidavit of Seth S. Holbrook which is submitted herewith.

WHEREFORE, Plaintiff prays that a default judgment in the amount of \$8,394.92 plus interest and costs be entered against the Defendant Kellaway Warehouse Services.

By its attorney,

/s/ Seth S. Holbrook
Seth S. Holbrook
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Certificate of Service

I hereby certify that on February 27, 2006, I electronically Plaintiff's Motion for Default Judgment as to Defendant Kellaway Warehouse Services with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel electronically and a copy sent by first class mail, postage prepaid to Kellaway Warehouse Services.

/s/ Seth S. Holbrook
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